IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 2549 of 2004(C)

PETITIONER:

V.SASIDHARAN,
EX.ENGINEER (RTD.), P.W.D., FLAT NO.A.202,
KASARGRANDE, STRURROCK ROAD, MANGALORE-1.

BY ADV. SRI.S.CHANDRASENAN
SRI.P.K.SOMARAJAN

RESPONDENTS:

---

1. STATE OF KERALA,
REP. BY PRICIPAL SECRETARY, P.W.D.,
SECRETARIAT, TRIVANDRUM.

2. PRINCIPAL SECRETARY,
FINANCE DEPT., SECRETARIAT, TRIVANDRUM.

3. CHIEF ENGINEER (ADMINISTRATION),
P.W.D., TRIVANDRUM.

4. ACCOUNTANT GENERAL (A & E), KERALA,
TRIVANDRUM.

BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.2549/04

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE G.O.(MS)NO.43/96/PW&T DT.9.2.1996 ISSUED BY THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE G.O.(MS)46/98/PWD DT.20.6.98 ISSUED BY THE 1ST REPSONDENT.

EXT.P3: TRUE COPY OF THE JUDGMENT IN OP NO.29078 OF 2000 DATED 26.5.03.

EXT.P4: TRUE COPY OF THE AFFIDAVIT FILED BY THE ADDL. CHIEF SECRETARY IN CHARGE OF PWD IN OP NO.23889 OF 2001 DATED 26.2.03.

EXT.P5: TRUE COPY OF THE JUDGMENT IN OP NO.23889 OF 2001 DT.28.2.2003.

EXT.P6: TRUE COPY OF THE GOVERNMENT ORDER G.O.(MS)54/03/PWD DT.7.10.2003.

EXT.P7: TRUE COPY OF THE ORDER NO.G.O.(RT) 1137/2003/PWD DT.21.11.2003.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.2549 OF 2004

Dated this the 19th day of June, 2007

JUDGMENT

The issue raised in this writ petition, as to the entitlement of the petitioner to the benefits arising out of Ext.P2 order, is decided in a similar case by this Court, in W.P(C).2571/04 by judgment dated 23.6.2005, subject to the only distinction that the petitioner therein held a different designation.

In the result, following the aforesaid judgment, this writ petition is allowed directing that the petitioner will be entitled to all benefits following the aforesaid judgment. The competent authority will give effect to this direction on the basis of the judgment dated 23.6.2005 in W.P(C).2571/04 and all outstanding benefits will be released to the petitioner within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.